

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

NECA-IBEW PENSION FUND,  
Derivatively on Behalf of  
CINCINNATI BELL, INC.,

Case No. 1:11-cv-451

Judge Timothy S. Black

Plaintiff,

vs.

PHILLIP R. COX, *et al.*,

Defendants.

**ORDER**

At the December 21, 2011 hearing on the Court's *sua sponte* Order to Show Cause, counsel for the Individual Defendants informed the Court of a pending settlement in *In re Cincinnati Bell, Inc.*, Case No. A1105305, Court of Common Pleas, Hamilton County, Ohio. Defense counsel also indicated his belief that a state court settlement would bar this action under the principle of *res judicata*.

Counsel for the individual Defendants shall advise the Court of the status of the state court settlement and its possible preclusive effects on this litigation by **February 24, 2012**. Plaintiff's counsel may respond by **March 2, 2012**.

**IT IS SO ORDERED.**

Date: 2/17/12

Timothy S. Black  
Timothy S. Black  
United States District Judge